

## Message Text

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PAGE 01 DUBLIN 02186 150601Z  
ACTION EUR-12

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FM AMEMBASSY DUBLIN  
TO SECSTATE WASHDC 0773

UNCLAS DUBLIN 02186

E.O. 11652: N/A  
TAGS: SNAR  
SUBJECT: NARCOTICS LAWS  
REF: (A) STATE 170187, (B) DUBLIN A-42

1. EMBASSY DUBLIN IS FOR THE TIME BEING UNABLE TO RESPOND THOROUGHLY TO THE SPECIFIC REQUESTS IN PARAS ONE THROUGH FOUR OF REFTEL. BASICALLY, THE REASON IS THAT PREVIOUS EXISTING LEGISLATION ON NARCOTICS ABUSE HAS BEEN CONSOLIDATED INTO A NEW ACT ENTITLED "MISUSE OF DRUGS, 1977," WHICH WAS TO HAVE BEEN PASSED INTO LAW BY THE IRISH PARLIAMENT BEFORE ITS SUMMER RECESS IN JUNE 1978. THE BILL DID NOT REACH THE FLOOR OF THE LOWER HOUSE FOR ENACTMENT AND HAS BEEN CARRIED OVER TO THE AUTUMN SESSION OF PARLIAMENT COMMENCING IN OCTOBER 1978. A COPY OF THE BILL WAS TRANSMITTED TO THE DEPARTMENT BY TRANSMITTAL SLIP IN 1977 AND A SECOND COPY WILL BE TRANSMITTED UNDER COVER OF DUBLIN A-42.

2. OUR CONTACTS IN THE NARCOTICS SQUAD OF THE IRISH POLICE STATE THAT THE LEGISLATION WILL BE ENACTED IN ITS PRESENT FORM. IN SHORT, THERE IS NO CONTROVERSY OVER THE SUBSTANCE OF THE NEW MISUSE OF DRUGS ACT; IT IS SIMPLY A CASE OF NOT GETTING THE BILL ONTO THE DOCKET BEFORE TERMINATION OF THE PARLIAMENTARY SESSION.

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3. RE PARA 5 OF REFTEL: (A) NORMAL MAXIMUM INVESTIGATIVE DETENTION IS FOUR DAYS; IN PRACTICE, MUCH SHORTER. CONSULAR ACCESS IS PERMITTED; CONSULAR NOTIFICATION IS PROMPT. (B AND C) PRETRIAL DETENTION, LENGTH OF TRIAL AND APPELLATE PROCESS ARE ROUGHLY THE SAME AS IN THE UNITED STATES, BUT WOULD VARY DEPENDING ON THE CASE. (D) A PUBLIC DEFENDER IS AVAILABLE IN CRIMINAL CASES,

BUT IN PRACTICE A DEFENDANT WOULD BE WELL ADVISED TO OBTAIN PRIVATE LEGAL ASSISTANCE FROM A REPUTABLE SOLICITOR. ADEQUATE LAWYERS ARE AVAILABLE AND ARE TRAINED IN ANGLO-IRISH LAW AND PROCEDURES TO HANDLE SUCH CASES. WE ARE UNAWARE OF FEE SCHEDULES BUT THEY WOULD BE MODERATE. (E) IN OUR LIMITED EXPERIENCE WITH NARCOTICS CASES INVOLVING AMCITS, CONDITIONAL LIBERTY IS USED. A FREQUENT CONDITION OF PROVISIONAL LIBERTY IS THE LEVYING OF NOMINAL BAIL COUPLED WITH THE REQUIREMENT THAT THE ACCUSED SURRENDER HIS PASSPORT TO POLICE CUSTODY PENDING DISPOSITION OF THE CASE. (EMBASSY COMMENT: THE FOLLOWING SHOULD NOT BE RELEASED TO THE PUBLIC, BUT THIS PROVISION FOR SURRENDERING CAN BE CONSTRUED , IN EFFECT, AS AN INVITATION TO "SKIP" THE COUNTRY, THUS FORFEITING BAIL. NO PASSPORT IS REQUIRED FOR TRAVEL TO THE UNITED KINGDOM OR NORTHERN IRELAND AND THUS THE ABSENCE OF A VALID TRAVEL DOCUMENT IS NO HINDRANCE TO DEPARTURE.) (F) IN OUR LIMITED EXPERIENCE WITH NARCOTICS CASES, AND DEFINITELY IN CASES OF OTHER MINOR OFFENSES, THE COOPERATIVE ATTITUDE OF THE IRISH POLICE IS TO EXPEL THE OFFENDERS RATHER THAN BURDEN THE OVERWORKED COURT SYSTEM WITH CUMBERSOME TRIALS IN CASES WHERE THERE IS NO AGGRIEVED IRISH CITIZEN VICTIM. RENDAHL

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## Message Attributes

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